THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 19-09-2005

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WRIT PETITION No.20500 of 2005

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Between:

P.Yathinder and another . . .Petitioners

And

The District Collector (Social Welfare), Hyderabad,

and others . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.20500 of 2005

O R D E R:

The petitioners feel aggrieved by the Memo dated 07-06-2005 issued by the Mandal Revenue Officer, Marredpally Mandal, Hyderabad, the third respondent herein. They submitted an application to the third respondent for issuance of certificates under the provisions of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993, (for short "the Act"), to the effect that they belong to Scheduled Tribe. They claim that they belong to the caste "Mannervarlu" and that it is one of the Scheduled Tribes. Through the impugned memo, the third respondent took the view that the said caste is recognized as Scheduled Tribe only in the district of Adilabad and that he cannot issue the certificates in favour of the petitioners.

Heard the learned counsel for the petitioners and the learned Government Pleader for Social Welfare.

The Act and the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Issue of Community Certificates Rules, 1997 (for short "the Rules"), prescribe the procedure for issuance of caste and community certificates in favour of the persons belonging to various categories. Certain castes are recognized as forming part of Scheduled Tribe only in few places and not the entire district. Same is the case with other groups also. If a person belongs to a particular community recognized as Scheduled Tribe or Scheduled Caste in a particular area, but resides at a different area, his request for issuance of caste certificate by the authority having jurisdiction over the place of residence, cannot be rejected. The Rules stipulate that if the authority concerned entertains any doubt, he can make a reference to the Collector of the District, in which the caste is recognized as Scheduled Caste or Tribe, as the case may be. Rule 5(g) of the Rules is very clear to this effect.

In the instant case, the petitioners claim that they belong to "Mannervarlu" and it is recognised as Scheduled Tribe in the District of Adilabad. They are said to be the residents of Secunderabad. The caste certificate is to be issued by the authority within whose jurisdiction, the applicant lives. The petitioners need not approach the office of the District Collector in Adilabad district for issuance of caste certificate. If the third respondent entertains any doubt as to the eligibility of the petitioners to be issued such certificates, he ought to have followed the procedure under Rule 5(g) of the Rules.

For the foregoing reasons, the writ petition is allowed and the impugned memo is set aside. The third respondent is directed to process the application of the petitioners in accordance with Rule 5(g) of the Rules and pass appropriate orders, within a period of two months from the date of receipt of a copy of this order.

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(L.NARASIMHA REDDY, J)

19th SEPTEMBER, 2005.

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